



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven D. Girouard et al.

Title: METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION

Docket No.: 279.696US1

Serial No.: 10/788,906

Filed: February 27, 2004

Due Date: N/A

Examiner: Jessica L. Reidel

Group Art Unit: 3762

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

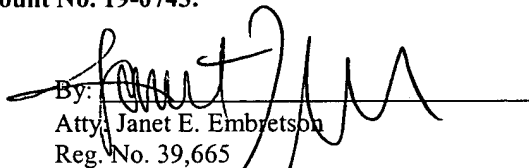
☒ Return postcard.

☒ Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 10 cited documents.

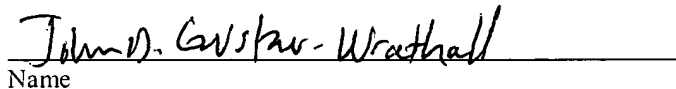
Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By:   
Atty. Janet E. Embretson  
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of January, 2006.

  
Name

  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)



S/ 10/788,906

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Steven D. Girouard et al.	Examiner:	Jessica L. Reidel
Serial No.:	10/788,906	Group Art Unit:	3762
Filed:	February 27, 2004	Docket:	279.696US1
Title:	METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION		

---

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Supplemental Information Disclosure Statement considered.

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Serial No :10/788,906

Filing Date: February 27, 2004

Title: METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION

Page 2

Dkt: 279.696US1

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

STEVEN D. GIROUARD ET AL.

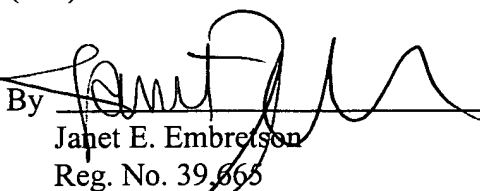
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6959

Date

January 6, 2006

By

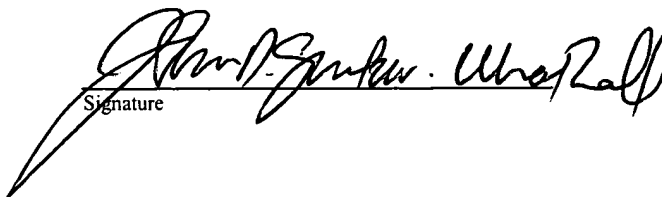
  
Janet E. Embretson  
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of January, 2006.

Name

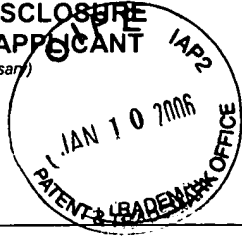
John N. Gusker-Weathall

Signature



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)



Complete if Known

<b>Application Number</b>	10/788,906
<b>Filing Date</b>	February 27, 2004
<b>First Named Inventor</b>	Girouard, Steven
<b>Group Art Unit</b>	3762
<b>Examiner Name</b>	Reidel, Jessica

Sheet 1 of 2

Attorney Docket No: 279.696US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2002/0049154A1	04/25/2002	Grissom, C. B., et al.	10/22/2001
	US-2003/0082148A1	05/01/2003	Ludwig, Florian, et al.	10/31/2002
	US-2003/0104568A1	06/05/2003	Lee, Randall J.	11/07/2002
	US-2003/0211130A1	11/13/2003	Sanders, Joan E., et al.	02/24/2003
	US-2004/0018174A1	01/29/2004	Palasis, Maria	07/18/2003
	US-2004/0087019A1	05/06/2004	Orhan, Soykan, et al.	10/24/2003
	US-2004/0161421A1	08/19/2004	Komowski, Ran, et al.	02/10/2004
	US-2004/0253209A1	12/16/2004	Orhan, Soykan, et al.	04/14/2004
	US-2005/0013870A1	01/20/2005	Freyman, Toby, et al.	07/17/2003
	US-2005/0025752A1	02/03/2005	Kutryk, Michael, et al.	04/30/2004
	US-2005/0112759A1	05/26/2005	Radisic, Milica, et al.	06/21/2004
	US-2005/0283197A1	12/22/2005	Daum, D. R., et al.	05/31/2005
	US-5,507,724	04/16/1996	Hofmann, Gunter A., et al.	01/21/1994
	US-5,704,908	01/06/1998	Hofmann, Gunter A., et al.	10/10/1996
	US-5,807,306	09/15/1998	Shapland, J. E., et al.	08/16/1994
	US-5,834,029	11/10/1998	Bellamkonda, Ravi, et al.	07/20/1994
	US-5,968,006	10/19/1999	Hofmann, Gunter A.	12/17/1998
	US-6,132,419	10/17/2000	Hofmann, Gunter A.	10/25/1994
	US-6,151,525	11/21/2000	Soykan, Orhan, et al.	09/02/1998
	US-6,156,572	12/05/2000	Bellamkonda, Ravi, et al.	09/25/1998
	US-6,428,802	08/06/2002	Atala, Anthony	12/29/1999
	US-6,490,482	12/03/2002	Mori, Kenji, et al.	11/04/1998
	US-6,592,623	07/15/2003	Bowlin, Gary L., et al.	08/31/1999
	US-6,654,636	11/25/2003	Dev, Nagendu B., et al.	07/26/2000
	US-6,662,044	12/09/2003	Neville, Crawford, et al.	07/22/2002
	US-6,671,558	12/30/2003	Soykan, Orhan, et al.	11/03/2000
	US-6,678,556	01/13/2004	Nolan, Edward, et al.	06/07/2002
	US-6,690,970	02/10/2004	Taheri, Syde A., et al.	10/06/2000
	US-6,697,669	02/24/2004	Dev, Nagendu B., et al.	07/13/1999
	US-6,775,569	08/10/2004	Mori, Kenji, et al.	11/05/1997
	US-6,775,574	08/10/2004	Soykan, Orhan, et al.	09/01/2000
	US-6,902,522	06/07/2005	Walsh, Robert G., et al.	06/12/2000

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
	WO-0062855A1	10/26/2000	Sen, L., et al.	
	WO-0074773A1	12/14/2000	Darvish, N., et al.	
	WO-02087681A2	11/07/2002	Laporte, S., et al.	
	WO-04026394A1	04/01/2004	Mandrusov, E., et al.	

**EXAMINER**

**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	10/788,906
<b>Filing Date</b>	February 27, 2004
<b>First Named Inventor</b>	Girouard, Steven
<b>Group Art Unit</b>	3762
<b>Examiner Name</b>	Reidel, Jessica

Sheet 2 of 2

Attorney Docket No: 279.696US1

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
	WO-04093969A1	11/04/2004	Laske, T. G., et al.	
	WO-2005084751A3	09/15/2005	Girouard, S. D., et al.	
	WO-9802040A1	01/22/1998	Preston, Jr, A. W., et al.	
	WO-9925385A1	05/27/1999	Unger, E C., et al.	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		BUCHWALD, A B., et al., "Decoy Oligodeoxynucleotide Against Activator Protein-1 Reduces Neointimal Proliferation After Coronary Angioplasty in Hypercholesterolemic Minipigs", <u>Journal of the American College of Cardiology</u> , 39 (4), (Feb. 20, 2002), 732-738	
		ZOU, Y. , et al., "Heat Shock Transcription Factor 1 Protects Cardiomyocytes From Ischemia/Reperfusion Injury", <u>Circulation</u> , 108 (24) ISSN: 1524-4539 XP002345863, (12/16/2003), 3024-3030	

**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached